

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04cv12627

STEPHEN D. CAIAZZO,

Plaintiff,

v.

THE MEDALLION INSURANCE
AGENCIES, INC.,

Defendant.

**DEFENDANT'S MOTION TO COMPEL FURTHER DEPOSITION TESTIMONY OF
FORMER PLAINTIFF'S ATTORNEY, THOMAS COLLINS**

The defendant moves to compel further testimony of the plaintiff's former attorney, Thomas Collins, including testimony regarding attorney-client communications. As grounds for this motion, the defendant states that the plaintiff waived the attorney-client privilege by testifying regarding attorney-client communications and by placing the information protected by the privilege "at issue" through his claims and testimony. *See Greater Newburyport Clamshell Alliance v. Public Service Co.*, 838 F. 2d 13, 20 (1988) (1st Circuit). Further support of this motion is set forth in the defendant's memorandum in support of its motion to compel.

WHEREFORE, the defendant moves that this Court allow this motion and order Attorney Collins to testify regarding his knowledge of the plaintiff's claims against Medallion and information provided to him by Caiazzo relative to these claims as set forth above.

The Medallion Insurance Agencies, Inc.

By their attorneys,

/s/ Kerry D. Florio
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